



Entered on Docket  
August 24, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection  
Of USACM Trust To Proofs Of Claim  
Based Entirely Upon Investment In The  
Mountain House Loan**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Mountain House Loan ("Mountain House Loan") [DE 8547] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Mountain House Loan; and  
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8547] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those  
6 claims are based entirely upon an investment in the Mountain House Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**  
10

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Mountain House  
Single Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount Relating to the Mountain House Business Park Loan</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Mountain House Business Park Loan</b>
10725-01768	12/13/2006	Acres Corporation PSP	Annemarie Rehberger Trustee PO Box 3651 Incline Village, NV 89450	50,000.00	50,000.00
10725-00803	10/30/2006	Brennan, Gary	3496 Pueblo Way Las Vegas, NV 89109	234,000.00	234,000.00
10725-02075	1/11/2007	Brock, Penny	9942 Rio Bravo Dr Reno, NV 89521-6154	50,000.00	50,000.00
10725-01861	1/8/2007	Clayton, Shane W & Jennifer C	David A Colvin & Donna M Osborn Marquis & Aurbach 10001 Park Run Dr Las Vegas, NV 89145	50,000.00	50,000.00
10725-01382	11/13/2006	Colhouer, Raymond	For The Benefit Of Gunner A Colhouer 4328 Threshold Ct North Las Vegas, NV 89032-1143	50,000.00	50,000.00
10725-00125	8/14/2006	Dunklee, John C IRA	700 Flanders Rd Reno, NV 89511	54,000.00	54,000.00
10725-01455	11/16/2006	Dupin, William & Penny	545 Cole Cir Incline Village, NV 89451	50,000.00	50,000.00
			**Undeliverable Address** C/O American Pension Services 11027 S State St Sandy, UT 84070	56,000.00	56,000.00
10725-00151	8/14/2006	Gassiot, Joan B IRA	Gazella Teague Ttee C/O R. Scott Palmer Osb #764073 101 E. Broadway, Suite 200 Eugene, OR 97401	52,778.00	52,778.00
10725-00199-2	4/17/2007	Gazella Teague Living Trust	7250 Birkland Ct Las Vegas, NV 89117	100,000.00	100,000.00
10725-01141	11/9/2006	Godfrey Joint Tenants, William R & Cynthia			

**EXHIBIT A**

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